



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-1370 FAX (603) 271-1381



September 18, 2002

Mr. Steve Neill  
Board of Selectmen, Chairman  
Town of Charlestown  
26 Railroad Street  
PO Box 385  
Charlestown, New Hampshire 03603

**CERTIFIED MAIL (7099 3400 0003 0687 5050)**  
**RETURN-RECEIPT REQUESTED**  
**LETTER OF DEFICIENCY**

**No. ARD 2002-013**

**RE: Open Burning of Non-Conforming Materials**

Dear Mr. Neill

On June 17, 2002, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed an inspection at the Town of Charlestown's Solid Waste Transfer Station ("the Facility") located on Fling Road in Charlestown, NH. The purpose of the inspection was to determine compliance with the NH Admin. Rules Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and Authorization to Burn No. OB 00013641 ("the Authorization") which authorizes the Town of Charlestown to operate a municipal burn site for untreated wood and brush.

At the time of the visit, the DES inspector observed and photographed the following non-conforming materials in the burn pile: charred plywood, particleboard and painted wood. A copy of the inspection report, rules and fact sheets were left at the Facility, and a copy of the inspection report was mailed to the Town.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning. Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood. Only brush and untreated wood, as defined below, should be accepted and treated at the Facility

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber, which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

DES believes that this deficiency can be resolved if the Facility adheres to the following procedures:

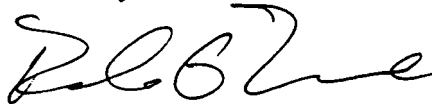
1. Burn only brush and untreated wood as described in the Authorization, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of the Authorization, Env-A 101.54 and Env-A 101.286 from the burn area; and
2. Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with the Authorization and Env-A 1000. Send this written statement to:

Joseph Ritz, Enforcement Specialist  
New Hampshire Department of Environmental Services  
Air Resources Division, Compliance Bureau  
6 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

It should be noted that a Letter of Deficiency was issued to the Town of Charlestown in 1998 for similar violations. Activities at the Facility will continue to be monitored to determine compliance with the regulations. In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/jwr

Enclosure: Authorization to Burn OB-00013641, Env-A 101.54, Env-A 101.286 and Env-A 1000  
Notice of Inspection dated June 17, 2002, 2 pages

cc: G. Rule, DES Legal Unit  
R. Kurowski, EPA, Region I  
R. Reed, DES WMD  
AFS# 3301990140